

ADMINISTRATIVE PANEL DECISION

ISAE SUPAERO Institut Supérieur de l'Aéronautique et de l'Espace

v. jia jie li

Case No. D2022-1639

1. The Parties

Complainant is ISAE SUPAERO Institut Supérieur de l'Aéronautique et de l'Espace, France, represented by Clairmont Novus Avocats, France.

Respondent is jia jie li, China.

2. The Domain Name and Registrar

The disputed domain name <isae-ensma.com> (the "Domain Name") is registered with Gname.com Pte. Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 6, 2022. On May 6, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 11, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from named Respondent and contact information in the Complaint. The Center sent an email communication to Complainant on May 11, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on May 13, 2022.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on May 20, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 9, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on June 17, 2022.

The Center appointed Marina Perraki as the sole panelist in this matter on June 30, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

Complainant is a French educational institution specialized in aeronautics and space education which works in partnership with ISAE ENSMA, a school specialized in mechanics and aerotechnics. Both belong to Complainant's group ISAE. Complainant is the world leader in higher education in the field of aerospace engineering. Founded in 1948, ENSMA provides high level scientific training in mechanics and aerotechnics. In 2011, ENSMA took on the name ISAE-ENSMA by creating, with Complainant, the ISAE Group, the first world center of training and research in aeronautical and space engineering. The name ENSMA has been used continuously by the school since its creation in 1948 and became known as ISAE-ENSMA since 2011.

Complainant owns the domain names <isae-superaero.fr> since June 20, 2014, and <ensma.fr> since July 9, 1997.

Furthermore, Complainant is the owner of several ISAE trademarks in various countries, including the European Union trademark registration no 17921815, ISAE, registered on December 5, 2018, with priority from June 22, 2018, for goods and services in international classes 9, 16, 35, 36, 38, 41, 42, and 43.

The Domain Name was registered on March 24, 2022, and leads to an inactive website. On April 13, 2022, Complainant sent a cease and desist letter to which Respondent did not reply.

5. Parties' Contentions

A. Complainant

Complainant asserts that it has established all three elements required under paragraph 4(a) of the Policy for the transfer of the Domain Name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

Complainant has demonstrated rights through registration and use of the ISAE mark.

The Panel finds that the Domain Name is confusingly similar to the ISAE trademark of Complainant.

The Domain Name incorporates the said trademark of Complainant in its entirety. This is sufficient to establish confusing similarity (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7).

The word "ensma" which is added in the Domain Name does not alter the above ([WIPO Overview 3.0](#), section 1.8). Furthermore, per Complaint, Complainant also uses the name ISAE-ENSMA since 2011, while ENSMA is an entity that belongs to Complainant's group.

The generic Top-Level Domain ("gTLD") ".com" is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are generally required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#)).

Complainant has established Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to Respondent of the dispute, Respondent's use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services; or
- (ii) Respondent (as an individual, business, or other organization) has been commonly known by the Domain Name, even if Respondent has acquired no trademark or service mark rights; or
- (iii) Respondent is making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name.

Respondent has not submitted a response to Complainant's contentions and has not claimed any such rights or legitimate interests with respect to the Domain Name. As per the Complaint, Respondent was not authorized to register the Domain Name.

Respondent did not demonstrate prior to the notice of the dispute any use of the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services. On the contrary, the Domain Name leads to an inactive website.

Furthermore, Complainant uses the name ISAE-ENSMA since 2011, while ENSMA is an entity that belongs to Complainant's group. Therefore, the nature of the Domain Name effectively impersonates or suggests sponsorship or endorsement by Complainant and so cannot constitute a fair use ([WIPO Overview 3.0](#), section 2.5.1).

The Panel finds that these circumstances do not confer upon Respondent any rights or legitimate interests in respect of the Domain Name.

Complainant has established Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation”, are evidence of the registration and use of the Domain Name in bad faith:

(i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out-of-pocket costs directly related to the Domain Name; or

(ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding Domain Name, provided that Respondent has engaged in a pattern of such conduct; or

(iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or

(iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes that Respondent has registered and uses the Domain Name in bad faith. Because the ISAE mark had been used and registered at the time of the Domain Name registration by Respondent, the Panel finds it more likely than not that Respondent had Complainant’s mark in mind when registering the Domain Name (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)). This also in view of the fact that, per Complaint, Complainant also uses the name ISAE-ENSMA since 2011, while ENSMA is an entity that belongs to Complainant’s group.

The Domain Name leads to an inactive website. The non-use of a domain name may not necessarily prevent a finding of bad faith (See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); [WIPO Overview 3.0](#), section 3.3). Given the Panel’s finding on Respondent’s likely awareness and intent to target the Complainant, coupled together with the Respondent’s lack of participation in this proceeding, the Panel finds it implausible to conceive of any good faith use to which the Domain Name may be put and thus finds that the passive holding of the Domain Name does not prevent a finding of bad faith.

Under these circumstances and on this record, the Panel finds that Respondent has registered and is using the Domain Name in bad faith.

Complainant has established Policy paragraph 4(a)(iii).

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name, <isae-ensma.com>, be transferred to Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: July 14, 2022